



# NYCLU

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September 25, 2007

Assemblyman Sheldon Silver  
64<sup>th</sup> Assembly District  
250 Broadway  
Suite 2307  
New York, NY 10007

Dear Speaker Silver,

We were surprised and dismayed to read in *The New York Sun* of your response to the speech by the President of Iran, Mahmoud Ahmadinejad, at Columbia University's World Leaders Forum on September 24, 2007.

Official threats to penalize Columbia for hosting the talk not only make a mockery of the open discussion and debate that distinguish the university setting, but also contravene constitutional imperatives. The nature of the speech in question is irrelevant. The First Amendment is meaningless if it does not extend to unpopular and controversial speech. As the Supreme Court held long ago, "freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order."

The obligations of the First Amendment apply to all public officials, as the Court has made clear: "If there is any fixed star in our constitutional constellation it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion." The City learned this lesson, at considerable expense and embarrassment in 1999, when then-Mayor Rudolph Giuliani threatened to penalize the Brooklyn Museum in response to religiously-based objections to a work of art. The conclusions reached by the judge in that case apply equally well here:

...the First Amendment bars government officials from censoring works said to be 'offensive,' 'sacrilegious,' 'morally improper,' or even 'dangerous' .... 'If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.' [Citations omitted.]

Whatever one may think of President Ahmadinejad's views, he represents the government of Iran, a country whose importance in world geopolitical affairs is indisputable. By hosting him, the University neither endorses his views nor grants him legitimacy. But punishing the university for providing him a forum would merely confirm any suspicions he may harbor that freedom of speech in the United States – one of the core freedoms the US claims it is exporting to the Arab world – is granted selectively.

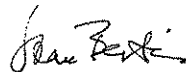
The university, founded on the principle of open discussion and debate, is a place where even the most disturbing ideas can and should be subjected to scrutiny. We cannot intelligently react to the policies and practices of the Iranian government unless we fully understand them. Neither can the future leaders of the country, future diplomats and foreign affairs correspondents be properly educated if universities maintain policies keeping them isolated from "evil" minds. By silencing Ahmadinejad, his opponents gain nothing – after all, we are probably all too familiar with the most noxious of his ideas. By hearing him speak, they gain not only the moral high ground, but possibly some insights into the mind of this significant player in the theater of international politics.

It should be easy to support the right of a national head of state to speak at a university. That you have challenged that right says volumes about the power of our domestic politics to trump principle, and about the frayed state of our democracy.

Sincerely,



Donna Lieberman  
Executive Director  
New York Civil Liberties Union



Joan Bertin  
Executive Director  
National Coalition Against Censorship